

COUNTY OF ORANGE
HIV PLANNING COUNCIL
Regular Meeting Wednesday – December 10, 2003
6:00 p.m.
FOUNTAIN VALLEY HOSPITAL
Saltzer Conference Room
17100 Euclid Ave., Fountain Valley

MINUTES

Chair: Ron Viramontes **Vice Chair:** Martín Salas **Recorder:** Emily Bangura & Yvette Petruzzelli

Members Present: Robert Barnes, Tony Barnett, Martín Becerra, Jeff Byers, Clayton Chau, Michael Ferguson, Geeta Gupta, Mary Hale, Pearl Jemison-Smith, Puki Liptrapp, Josie Lopez, Liz Pejeau, Tom Peterson, Christopher Ried, Martín Salas, Ricky Session, Robert Thompson, Steve Thronson, Jeremiah Tilles, Modesto Vasquez, Ron Viramontes, Kurt Weston and Miles Wood.

Affiliates: Terry Roberts (present), Jerry Lail (present), Dan Cavanaugh (present), Arthur Reyes (absent) and Shawn Coakley (absent).

Members on Leave: Clarence Williams and Bruce McGregor

Announced Absences: Hilda Alford, Betsy Ha

Members Absent: Linda Foster, Matilda Rivera, Alvarez Ignacio, Maria Marquez, Sylvia Martinez and Jose Ramon Rodriguez

New Members: Adolfo Loustalot (present) and Gerardo Rosas (absent).

Staff: Hope Hagen, Bhuvana Rao, Irene Tyrrell, Mai Linh Nguyen, Diana Banzet

Guests: Vickie Ferguson (Volunteer Reach), Jose Ochoa, Christina Regas, Noe Orliz, Ricanoah Velisco (ASF), Jose Rodriguez, Luz Mori (Delhi), Keith Long (Delhi), Philip Yeager (ASF), Alan Mitchey (ASF), Mitch Cherness (HCA-Reach), Jorge Santoscoy (Delhi), Chris Prevatt (HCA) and Garra Montoya (Delhi).

Item I: Call to Order Chair Ron Viramontes called the Planning Council meeting to order at 6:05pm, finding that a quorum was present.

Item II. Welcome & Introductions

- A. Pledge of Allegiance**
- B. Moment of Remembrance**
- C. Introduction of Guests – see above.**
- D. Roll Call of Members Present/Absent or on-leave – see above.**
New Members – see above.

Item III. Public Comment

- Luz Mori (Delhi client) extended her thanks (through a translator) for all the help provided especially for the food pantry and vouchers. However, speaking on behalf of herself and other Hispanics, they are not used to eating some of the canned food items, such as the meat. She hopes this will be considered when stocking the pantry.
- Chris Prevatt had substantial issues with the bylaws. He asked that it be deferred to the January meeting, since he had concerns with the draft issues of the bylaws (hard copy of his comments on file, a 10-page document, as well as distributed to the P.C. members). He added that, this will allow for a little more review time by members before it goes to the Board of Supervisors. In addition, he told P.C. that he is disturbed with the way the membership committee is operated and in particular with the actions it took at the last meeting – ie: that his application should not be considered because he filed a 'Federal complaint' regarding the actions of the Health Care Agency. He added that this violates his civil rights and P.C. should try not to be biased or prejudice towards people who wish to stay on the Planning Council. He continued to say that, there are certain members of this P.C. that are non-infected and who seem to think that it is okay to say "clients should be grateful for what

services they get; and quite frankly the agency should be grateful for the amount of money they get; because this is paying a lot of people's salaries to live off of HIV clients."

Item IV. Comments on Agenda

- Pearl Jemison-Smith motioned that the bylaws (which happens to be Item IX. New Business C [Action Item] on the agenda be moved up to follow after the approval of the minutes). Her request was made because of time constraints as well as the importance of re-visiting and approving the bylaws (contingent to the nomination of the new officers) for the Planning Council FY 2004. Second by Tony Barnett and Puki Liptrapp. Vote to move this item up, as follows: 21 = in favor, 2 = opposed (Tony Barnett & Robert Thompson), 1 = abstention (Dan Cavanaugh).

Item V. Approvals for Consent Calendar

A. Minutes from November 12, 2003

Minutes to reflect the following corrections:

- For the record, Kurt Weston mentioned that, he was accused of making a public comment, which he did not make and would like that cleared since he is not considered the public but a member of the P. C. Also, he wanted to indicate that although the statements that he did say, were not reflected in the Minutes in reference to Ron's response to Baldwin Tucker, which stated "try to keep some order from the public gallery and did not want notes past." Item V: to reflect – "Chair, Viramontes stated that the standing rule prohibiting note passing from gallery to members while P.C. is in session."
- Jerry Lail mentioned that perhaps for the purpose of clarification, future Minutes should reflect members present and affiliates present, to avoid any confusion; as he was listed as a member present.
- Tony Barnett pointed that under member's privilege, he made a statement that (i) as members whatever comments they make at meetings should stay at the P.C. and any comments made should not be held against members, however 72 hours after that meeting, he was asked to step down from a Committee that he was on, because of a comment that he made at the P.C. meeting and was advised that, those two comments were viewed negative. And under member's privilege section, there is no prior mention of him stating anything. Minutes to reflect Tony's comments as follows: the P.C. values what clients have to say here at the P.C. meetings (when we are sick enough to make it to the meetings and we are trying to represent clients that couldn't make it) and that we are being heard.
- Puki noted that she disagrees wholeheartedly with the motion of not passing notes from the public gallery.

Adoption of Minutes: 20 = votes in favor, 2 = opposed (Puki Liptrapp and Josie Lopez), 1= abstention (Jerry Lail) Minutes approved by consensus with the corrections as stated above.

Chair Viramontes told the P.C. body that for the reminder of the meeting, if an exchange is necessary between members of the P.C. and the public gallery, he invites them to step outside into the corridor for any discussion and not disrupt members. Jerry Lail suggested that (with no disrespect to the Chair) it is less disruptive if someone discreetly passes a note rather than the two people getting up and leaving the room, since when they leave they could be missing a discussion that may be necessary for them to make an informed vote. Chair noted that he appreciates Jerry's comments but his decision stands.

Item VI. Committee and Task Force Reports

H. Bylaws - Tony Barnett made a motion to table the bylaws at this point, because he did not believe that members had enough information in regards to how they were prepared and the fact that he asked to be on that committee and was told that it had already started. Chair Viramontes responded that it was almost eight months into the committee when some members expressed an interest in joining. Tony's motion to table the bylaws was seconded by Puki Liptrapp. Jerry Lail suggested that instead of tabling it completely, they start at least a 45-minute discussion of the bylaws as they appear in draft form. Chair Viramontes agreed by motioning the P.C. with a vote to allow a 45 minute discussion of the bylaws and tabling further action until a future P.C. meeting. Tony withdrew his prior motion and seconded Jerry's motion. The results were 13 = in favor, 10 = opposed, 0 = abstain. Motion carried for a 45-minute discussion of bylaws.

Pearl extended thanks to Liz Pejeau, Tom Peterson and all committee members for their devotion and time put into drafting the by-laws for the P.C. and resents the comments made that some kind of a deal

was in place or it has some advantageous issue for agencies and she thinks “that it is a symptom of a disease sitting in this room tonight and objects to that.” Chair Viramontes pointed that the importance of the vote taken tonight is that there is a provision in the bylaws, which will affect the governance of this committee for the next year. It includes: the addition of an officer, a secretary, another committee, Care Planning and Financial Oversight, and the protection for applicants for membership. Note, that under current bylaws the elections should take place by end the of January 2004.

After a 45-minute discussion of page 1 of the bylaws, it was decided by unanimous vote to table future discussion and to set up a special meeting specifically devoted to the bylaws draft. Because of time constraints, and the contingency of the election of the new officials, Pearl Jemison-Smith made the motion and Martin Beccera seconded it. Special Bylaw meeting date set for Monday, December 29th, 2003 at 6:00 p.m. (Liz Pejeau will get back to Emily to finalize meeting location as well as confirm time). It is open to all members of the P.C. and an email announcement will be sent to remind and invite members to participate. Liz suggested that if for any reason members cannot make it, to send comments via email or telephone to her or Tom Peterson so issues and comments could be addressed. It was also suggested for members to read the old bylaws and the new bylaws before attending the meeting. Chair Viramontes reiterated if anyone had a comment on the bylaws to email it to him or the committee members, so they can answer the question or concern.

Tony Barnett thanked the Chair and P.C. for scheduling a bylaw meeting, he thought was important. Jerry Lail thanked Liz, Tom, Pearl and whoever worked on the bylaw committee, stating they did a great job.

A. State Office of AIDS - Jeff Byers reported that within his department, they have seen a reduction in staff and cuts to AIDS programs. They expect budget cuts to go even deeper. There is concern whether or not ADAP will be able to sustain itself through the current and upcoming year. Although there was no cut to ADAP, there has been an increase in one of the medications used (*Norvir*, by Abbott).

B. Chair/Executive - Chair Ron Viramontes told P.C. that it has been a pleasure for him to serve as Chair in the P.C. for the last three years. He continued to say, that he found it to be a very rewarding experience and at times frustrating, but by far the rewards and satisfaction he'd gotten from working with everyone trying to help referee, resolve and improve the P.C. has been his pleasure, and he thanks the P.C. for giving him the opportunity.

C. Housing – Tom Peterson reported that there was no meeting in December. The next meeting for the mini retreat will be on January 29, 2004. Linda is working on a location and as soon as it is all finalized, the notice will be sent out to everyone.

D. HIV Client Advocacy - Robert Thompson reported that it was a very small meeting because many people did not show and they had limited time. Agenda items were tabled, for example the HCAC Retreat notes for review will be discussed at a future meeting of which location and dates have been changed to the 2nd Monday of every month from 5:30 p.m. – 7:30 p.m.

E. Prevention Planning – No report the meeting was cancelled.

F. Membership – Vice Chair Martin Salas reported that there was a meeting yesterday, and the consensus from the Membership Committee was to focus on Latinos as well as try and fill in the two vacant seats that were currently available as required by HRSA demographics. He added that, “we have two new members that got recommended to join the P.C. and they are: Adolfo Loustalot and Gerardo Rosas.”

Chair Viramontes asked Martin if there was any action by the membership committee to fill 100% of the vacant seats. He responded, no. The question was asked are there other vacant seats, and Martin answered yes, three.

Jerry Lail mentioned that as one of the affiliates, they have repeatedly asked to be considered for membership and if there were three or four vacancies, why the P.C. cannot consider them to serve, when they are willing to serve. Chair Viramontes responded that all affiliates would receive full consideration before the Membership Committee.

Vice Chair Salas told P.C. that 100% response was received for either renewals or declinations of membership. Non-renewing members are: Hilda Alford, Tom Peterson and Pearl Jemison-Smith.

Chair reminded P.C. that the fact that some members' term have expired and are requesting renewal doesn't mean that the P.C. has to accept all or any of them because the P.C. has the final decision.

G. Public Policy & Advocacy – Tom Peterson reported that the Governor had proposed a reduction in the current California budget that severely impacts the work that is done. There has been a proposed cap on ADAP and this will take effect January 1st, 2004 and the enrollment # of 26,479 was proposed by the Governor. A waiting list will be used, where new people will be rolled onto the ADAP as old people roll off the program. He also handed out copies of a an "Informational Hearing on structural deficit and the Governor's proposed budget reductions in health and human services programs", which will take place on Monday, December 15, 2003 @ 12 noon – 3:00 p.m. in Los Angeles County Board of Supervisor's Chambers – Kenneth Hahn Hall of Administration, Room 381-B. Tom encouraged members to attend and let their voices be heard and to get their message across. He also encouraged members to visit this web-site www.AIDSVOTE.org (an organization that is going to post all the Presidential candidates for next year's election) and interview them on their stands regarding domestic and International AIDS issues. He encouraged members to register to be part of that web site to subscribe and stay informed. Tom also reported that the state's budget is due January 10, 2004 and no one knows how that will result.

I. Case Management Task Force – Mitch Cherness reported that there is going to be a meeting in January 2004 and they have a good staff. Also, they are meeting regularly and are on target.

Item VII. Staff Reports -

A. HIV Planning and Coordination – Irene Tyrrell reported that Bonnie Birnbaum is out on leave until December 22, 2003. She introduced new staff, Yvette Petruzzelli, Staff Specialist for Planning Council Support.

Irene discussed the following documents located in P.C. packets, line by line:

- Memo: FY 03-04 Proposed Reallocation of Title I Funds (see Item IX. B.)
- FY 2004 Implementation Plan: Instructions to the Grantee for the delivery of Ryan White & HOPWA-Funded services Draft (see Item IX. E.)
- HIV Client Advocacy Committee: Policies and Procedures (see Item IX. D.)
- Fiscal Year 2003-04 Allocation & Proposal Summary (see Item IX. B.)
- Action Plan for FY 01-02 Evaluation of Administrative Mechanism (see Item VIII. A.)

Mai Linh Nguyen asked members to read the "Client Resource Handbook" which was also in P.C. folders for review and approval. She told the P.C. to email or telephone her with any corrections or comments they may have by December 24, 2003, keeping in mind not to make any major structural format changes. Martin Beccera wanted to know if this handbook would eventually be translated into a Spanish version? Mai Linh replied, yes that it would eventually be translated into a Spanish version after the English one is approved. After approval, it would be distributed to all funded agencies and whoever wants a copy.

B. Contract Development & Management – Hope Hagen reported that the Request for Proposals (RFP) for Alcohol and Drug Abuse Residential Services was released on schedule. The Bidders' Conference for the RFP was held 11/13/03, and HCA is in the process of sending proposals to the evaluation panel. She also stated that HCA has received contractor applications for renewal of HIV Services contracts for FY 04-05 and has scheduled contract negotiation meetings, beginning the week of 12/15/03.

Item VIII. Old Business

A. Evaluation of Administrative Mechanism – Chair Viramontes mentioned that "The Evaluation of the Administrative Mechanism for 2001-2002 Evaluation Committee" was located in the P.C. packages and there is summary sheet of the findings of recommendations and the Grantees response. He requested that this item be placed on the January's agenda as an action item because it is the P.C. document. Error noted on page 6 under 9: it reads 3-1-03 and it should be 3-1-04.

Item IX. New Business – Pearl suggested the approval of the two new Latino members. She made a motion to make this an emergency action item and Liz Pejeau second the motion. Vote taken as an emergency Action Item: 22 = in favor, 0 = oppose, 0 = abstain.

Puki Liptrapp moved a motion to consider affiliates in addition to the two Latino members (Jerry Lail, Dan Cavanaugh, Shawn Coakley, Chris Prevatt) to take the four extra seats for membership consideration. Tony Barnett second Puki's motion. Mary Hale wanted to know if they have all submitted applications to meet the membership requirements? She followed up with another question of whether there were other Latinos who have submitted applications and were not selected? Martin Salas replied, yes – four additional Latino applications. Mitch asked if those four applicants were currently involved in the process as members or affiliates. Martin responded no. Pearl suggested that it is inappropriate for P.C. to make a decision when there is a Membership Committee that looks at all the applications and determines not only who has put in an application, but also covers ethnicity and all the other related needs. She went on to suggest that rather than P.C. try doing the work for the Membership Committee, it would be much better to give them the message that applications for affiliates should be considered as well and give them the responsibility in doing the screening. Tony Barnett responded that if this is going to be the decision taken, then the Membership Committee should also review the two new Latino members, as well. Martin Becerra disagreed and opposed Tony's suggestion. He stated that an individual's financial, political and leadership skills needed to be considered when looking at membership for the P.C. Chair Viramontes clarified that regarding the two Latino members, it is the condition and requirement of the Board that we meet the perspective of the Latino PLWH.

Jerry Lail was concerned that Shawn Coakley was nominated and has not been attending meetings for a while and suggested Terry Roberts be considered instead. Puki apologized for leaving Terry's name out, because she thought he was a member.

Motion to consider two Latino members (Aolofo Loustalot and Gerardo Rosas) and four affiliates as members tonight (Jerry Lail, Shawn Coakley, Dan Cavanaugh and Chris Prevatt): Vote results: 8 = in favor, 13 = oppose, 3 = abstentions. Motion fails.

Miles suggested that the P.C. allow the Membership to review these applications and make a decision. Kurt Weston agreed with Miles' suggestion. He also mentioned that he would like to be part of the new Membership Committee.

Chris suggested that the P.C. could consider the nominations as an emergency and vote on it tonight.

Jerry Lail had a motion: to nominate himself, Dan Cavanaugh, Terry Roberts and Chris Prevatt to fill in the four vacancies. Tony Barnett and Puki Liptrapp second this. Vote results 10 = in favor, 13 = opposed, 1 = abstention. Motion fails.

A. Nomination of Officers – Miles Wood had a motion to table the nomination and election of officers until the January 2004 meeting and this was second by Puki Liptrapp. Chair Viramontes clarified for Tony the motion on the floor (at which time anyone interested in nominating someone or them self, could do so). Voting results: 17 = in favor, 7 = opposed, 0 = abstain. Motion carries.

Tony asked if Chair Viramontes and Vice Chair Salas would continue to act if the P.C. wished to extend their stay longer until the bylaws came into effect. Pearl moved they have a continuing resolution to maintain current officers. The motion carried unanimously at 23 votes.

B. Reallocation of FY 03-04 Funds (action item)

Irene Tyrrell reported that several weeks ago they asked providers for proposals on their needs of more funds and they requested \$385,230.00. The proposals included the following criteria: utilization data, permissible use of Title I funds, priority order of service, HRSA emphasis on medical care and improved quality and quantity. The providers had \$114,344.00 available for reallocation and the grantee reallocated \$28,000.00. Irene continued by describing the Fiscal Year 2003-04 Allocation & Proposal Summary in detail and reading from the columns: Service, Allocations, Proposal Received, Justification, Staff Proposal, and Staff rationale for each Priority Code 1.5 –10.

Pearl questioned the case managements proposals and wondered why it couldn't be reallocated to another priority, which Jerry Lail agreed.

Motion made by Pearl Jemison-Smith and second by Miles Wood to approve: 18 = in favor, 5 = oppose, 1 = abstention (Jeff Byers). Motion passes.

C. Approval of Revised Planning Council Bylaws (action item) – discussed under Item VI. H. Committee Task force Reports as approved by a P.C. vote.

D. Approval of HCAC Policies & Procedures (action item) - Pearl motioned to table the discussion of the HCAC Policies and procedures until the next meeting, at which time bylaws are revisited in case there is a change that could impact these P & Ps. Voting results: 22 = in favor, 2 = opposed, 0 = abstain. Motion carries.

E. Modification to FY 2004 Instructions to Grantee (action item) – Irene Tyrrell referred to page I, item #4. of the FY 2004 Implementation Plan: Instructions to the Grantee for the delivery of Ryan White & HOPWA-Funded services Draft, when she stated the reasoning for the change in the document it was to ascertain the UCI Medical Contract for four more months until June 30, 2003. The same holds true for the HOPWA reallocation contract needing to be extended for the same length of time.

Miles asked if there was a fiscal impact. Hope Hagen said it was only an impact in reporting, by separating case management and specialty services. The dollar amount did not change.

Dr. Tilles wanted to know if this was a draft version and yes, it is. Bhuvana replied yes and mentioned that the results are pending, based on the consultant's results. Jerry Lail asked for clarification that the only thing the P.C. was being asked to do was to vote on the shaded item (page 1 #4.) which Bhuvana affirmed. So he made the motion to accept the draft. Voting results were: 19 = in favor, 0 = oppose, 3 = abstentions (Tom Peterson, Liz Pejeau and Kurt Weston).

Item X. Member's Privilege - Liz Pejeau expressed thanks and appreciation to Tom Peterson and Pearl Jemison-Smith for their hard work and dedication to the P.C. and also thanked Chair Viramontes for his leadership and hard work. Jerry Lail echoed what Liz said and thanked them for their dedication and hard work within the community. Jerry also mentioned that his pushing forward to have affiliates elected as members at tonight's meeting is with no disrespect to the Membership Committee, but just trying to assist this body into moving forward hopefully into what he considered putting behind a lot of the perceived conflicts or rumor of perceived conflicts.

Chair Viramontes read a letter from the Office of Compliance addressed to him regarding compliance compliant received on February 28, 2003. This is regarding possible violations of the terms of the Ryan White Care Act Title I Grant (hard copy on file).

Item XI. Announcements – Chair Viramontes wished everybody a Merry Christmas and a Happy New Year.

Item XII. Adjournment - Chair Ron Viramontes adjourned meeting at 9:10 p.m.

Notes

III. Public Comment. Public comment on agenda items or other HIV related matters are encouraged. Comments by the public on agenda items, or other matters, may be made at the beginning of the meeting during the time set aside for public comment [agenda Item III]. Comments are limited to five minutes, unless the Chair rules differently. Persons wishing to distribute printed materials at the Council meeting are required to secure foreknowledge of the Council Chair.

XI. Member's Privilege. Council members may address any issue raised during the meeting that has not been placed on the agenda. Comments should be for *information-only* purposes, and, germane to the work of the Council. They should not be in violation of any local, state, or federal law. The Council Chair shall rule on the admissibility of all statements or materials offered for inclusion into the minutes of the Council. Council members have the authority to overturn this ruling by the Chair with a simple majority vote of the members present. Statements or materials entered into the record via "Member's Privilege" do **not** represent the position of the Council, or its endorsement. Any issue raised that requires Council action will be placed on the next meeting's agenda by direction of either the Chair or by the Council.

Persons with cellular telephones are asked either to turn the device off, or to place it on vibrate mode. If it is necessary to take a telephone call, the individual is asked to step outside the meeting hall.

Planning Council members are asked to notify HIV Planning & Coordination staff support to the Council if they anticipate being absent at the Planning Council meeting.

Services for Persons with Special Needs. Persons requiring special assistance to participate in the meetings can telephone HIV Planning & Coordination staff at 834-8711 three (3) days prior to the meeting.

Guidelines for Meetings. The Council strives for governance by consensus. When consensus is not possible, action items shall be adopted by simple majority vote of the voting members present. The Council's open meeting process is governed by the Ralph M. Brown Act and its subsequent legislative changes.

Inquiries. To have your name placed on the notice list, or for other administrative matters regarding the HIV Planning Council, please telephone Emily Bangura @ 714 834-8711 or Yvette Petruzzelli @ 714 834-8399. *Agendas* and *Minutes* are posted at the HIV Planning & Coordination Web Site (<http://www.ocgov.com/hca/public/hiv/links.htm>) by the Friday evening prior to the Council meeting.

**PLEASE NOTE THAT THE
NEXT REGULAR MEETING IS SCHEDULED FOR**

January 14, 2004

5:30 p.m. - BUFFET

6:00 p.m. - MEETING

Fountain Valley Hospital - Saltzer Conference Room
17100 Euclid Street, Fountain Valley